

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

SHANE N. KUEPER,)
vs. Plaintiff,)
COMMISSIONER of SOCIAL) Civil No. 18-cv-2038-DGW
SECURITY,)
Defendant.)

ORDER for ATTORNEY'S FEES

WILKERSON, Magistrate Judge:

Before the Court is the parties' Joint Motion to Award Attorney's Fees and Expenses. (Doc. 25).

The parties agree that plaintiff is entitled to an award of attorney's fees and expenses in the amount of \$6,442.00.

The Court finds that plaintiff is the prevailing party and is entitled to an award of attorney's fees and expenses pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412(d)(1)(B). The Court further finds that the agreed upon amount is reasonable and appropriate. Per the parties' agreement, this award shall fully and completely satisfy any and all claims for fees and expenses, but not costs, that may have been payable to plaintiff in this matter pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.

The parties' Joint Motion (Doc. 25) is **GRANTED**. The Court awards

plaintiff the sum of \$6,442.00 (six thousand four hundred and forty-two dollars) for attorney fees and expenses pursuant to the Equal Access to Justice Act. These funds shall be payable to plaintiff, per *Astrue v. Ratliff*, 560 U.S. 586 (2010). See also, *Harrington v. Berryhill*, 906 F.3d 561 (7th Cir. 2018). However, in accordance with the parties' agreement, any part of the award that is not subject to set-off to pay plaintiff's pre-existing debt to the United States shall be made payable to plaintiff's attorney pursuant to the EAJA assignment previously executed by plaintiff and counsel.

IT IS SO ORDERED.

DATE: November 22, 2019.

A handwritten signature in blue ink that reads "Donald G. Wilkerson". To the right of the signature is a circular official seal or stamp. The seal contains the text "UNITED STATES DISTRICT COURT" at the top and "SOUTHERN DISTRICT OF ILLINOIS" at the bottom. In the center of the seal is a stylized eagle with wings spread, holding an olive branch and arrows.

**DONALD G. WILKERSON
U.S. MAGISTRATE JUDGE**